

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
JOA PENZIEN
ARNOLD THOEL

ABSENT: KENNETH MEERSCHAERT, SR.

ALSO PRESENT: Larry Dloski, Township Attorney
David Lakin, Spalding DeDecker Associates, Inc.
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order 7:00 p.m.

PLEDGE OF ALLEGIANCE.

1. Roll Call

Clerk KOEHS called the Roll. Member MEERSCHAERT absent and Member PENZIEN present at 7:27p.m.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by THOEL to approve the agenda as submitted.

MOTION carried.

3. Approval of the June 15, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by AUSILIO to approve the June 15, 2004 previous meeting minutes as submitted.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

AGENDA ITEMS:

4. Final Preliminary Plat; Twin Rivers Subdivision Phase 1 (156 lots); Located on the east side of Romeo Plank Road approximately 1000 feet north of Hall Road; Vincent DiLorenzo, Petitioner. Part of Permanent Parcel No. 08-33-376-014 (*Tbld from the June 1, 2004*)

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

David Lakin, Township Engineer, reviewed the traffic engineer's written evaluation and recommendation regarding the traffic study for Mapleton Drive and the recommendation for a second means of access.

Petitioner Present: Mr. DiLorenzo, addressed his concerns regarding the original approved plans for phase I of Twin Rivers Subdivision, the tentative plans involving a second means of access in Phase II of Twin Rivers Subdivision and the suggestion of escrow funds for the construction road.

Clerk KOEHS reviewed that both the final preliminary plat and final plat have received approvals. Clerk KOEHS further mentioned the problem with the state due to the expired final preliminary plat.

Larry Dloski, Township Attorney, reviewed with the petitioner the procedures involved to obtain building permits for Phase I of the Twin Rivers Subdivision; by following the procedure set forth in Section 17-114 of the Township Land Division Ordinance. Further to comply with Section 17-114 by filling a variance request pursuant to Section 17-46 of the Township Land Division Ordinance. The variance request would be to allow the issuance of building permits prior to the construction of the access road to M-59. The variance request would be heard first by the Planning Commission. Then the Planning Commission would recommend to the Township Board of Trustees whether the variance should be approved or denied. Assuming the Township Board of Trustees approves the variance request, the approval would be conditioned on the following: 1. Copies of the Michigan Department of Transportation curb cut permit to M-59; 2. Approval and permit, if necessary from the Macomb County Road Commission accepting the street to Hall Road as a public street to be maintained by the Road Commission; 3. Liber and page number of the easement for the road to M-59; 4. Letter of Credit or other surety in the amount to construct the road to M-59; 5. No building permits would be issued until verification of the MDOT and Macomb County Road Commission permits, letter of credit for road construction, and liber and page number of recorded right-of-way; 6. Any building permits issued for Phase I of the Subdivision would bear a notation that occupancy permits will not be issued by the Township until the road to M-59 is completed and accepted by the MDOT and MCRC.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

Public Portion: Dennis Macneill, Township resident, addressed his concerns regarding Township Road Construction issues.

MOTION by AUSILIO seconded by KRZEMINSKI to table as requested by Mr. DiLorenzo, petitioner to the July 20, 2004 Planning Commission Meeting the Final Preliminary Plat; Twin Rivers Subdivision Phase 1 (156 lots); Part of Permanent Parcel No. 08-33-376-014.

MOTION carried.

5. Land Division Variance; The Woodlands Subdivision; Located on the east side of Card Road approximately ½ mile south of 23 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-300-021

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Christopher Cousino

Member THOEL addressed his comments and concerns opposed to granting request.

The members of the Board held further discussion with the Township Attorney.

Public Portion: None

MOTION by AUSILIO seconded by KRZEMINSKI to forward the recommendation to the Township Board of Trustees to grant the petitioners request to vary Section 17.132(d) of the Land Division Act, eliminating stub streets to the north and east on the property in question as those portions contain a drain wetland area and it is unreasonable to cross stub access streets. And also to vary Section 17.132(d) of the Land Division Act, eliminating stub streets for the properties fronting Card Road. Permanent Parcel No. 08-23-300-021. This motion is based upon the Planning Consultants recommendations as follows:

It is recommended that the variances be granted as requested since the area to the north and east of the property in question contain a drain and wetland area that is unreasonable to cross with stub access streets. The existing parcels fronting Card Road may not be combined and developed without variances. Therefore, it is not reasonable to require a stub street into that area.

MOTION carried. *Member THOEL opposed*

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

6. Tentative Preliminary Plat; The Woodlands Subdivision (154 lots); Located on the east side of Card Road approximately ½ mile south of 23 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-300-021

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Christopher Cousino along with Jim Klinkenberger of Fenn & Associates.

Public Portion: None

The Members of the Board discussed the lots fronting on Card Road, private park area, 20' access areas, sedimentation basin, 70' back way area and the pathway areas connected with this proposal.

Public Portion: None

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees for approval of the Tentative Preliminary Plat; The Woodlands Subdivision (154 lots), pursuant to the Community Planning Consultants recommendations adding the following conditions: Standard Condition Number 14. That separate turn around flares shall be constructed on lots 155 – 159. The turn around flares shall be approved by the Township Engineer with respect to location and design specifications; Standard Condition Number 15. That the open space between lots 36 and 37, 110 and 111, and lots 114 and 115 be incorporated into the lots; Standard Condition Number 16. That the words “Proposed Future Park” on the plans be changed to “Proposed Common Ground”; Standard Condition Number 17. That the 20 foot accesses to the Common Area shall be developed with proper base materials to the standard established by the Township Engineer. The top covering for said access shall be grass and on fenced on either side. Permanent Parcel No. 08-23-300-021. This motion is based upon the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

- f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been met.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 8. That a bond in an amount determined by the estimates prepared by a registered landscape architect and approved by the Township Consulting Engineer be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.**
- 9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

make note of the above date. Any application for extension must be received by this office prior to the expiration date.

- 10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.**
- 11. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
- 12. That the street names be provided on the plat prior to the plat being forwarded to the Township Board**
- 13. That the petitioner must obtain the variances to the Land Division Ordinance from the Township Board relating to the required stub streets.**
- 14. That separate turn around flares shall be constructed on lots 155 – 159. The turn around flares shall be approved by the Township Engineer with respect to location and design specifications.**
- 15. That the open space between lots 36 and 37, 110 and 111, and lots 114 and 115 be incorporated into the lots.**
- 16. That the words “Proposed Future Park” on the plans be changed to “Proposed Common Ground”.**
- 17. That the 20 foot accesses to the Common Area shall be developed with proper base materials to the standard established by the Township Engineer. The top covering for said access shall be grass and on fenced on either side.**

MOTION carried.

- 7. Site Plan; Fountains of Macomb; Located on the northeast corner of 21 Mile Road and Hayes Road (excluding the immediate corner); Rogvoy Architects, Petitioner. Permanent Parcel No. 08-30-354-022**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

Petitioner Present: Mark Drane of Rogvoy Architects along with Rich Forester and Joseph Tartaglia.

Mr. Drane addressed his concerns regarding changes with the Township Ordinance pertaining to greenbelt areas.

The Members of the Board addressed their concerns regarding the dumpster locations, landscaping concerns, Township Fire Department review of the dumpster areas, by-pass lanes, and 5' sidewalks along the buildings.

Public Portion: Adjacent Township residents expressed their concerns regarding traffic concerns, sound levels from garbage vehicles, access driveway location, by-pass lanes, and fence issues with the diving wall.

Mr. Schmeiser, Community Planning Consultant, suggested that the petitioner table the item to allow the Township Fire Department to review and approve site location for the dumpster. Next, he suggested that the petitioner have their landscape architect identify the location of water and utility lines within the 40' greenbelt area and come up with a plan to offer for review. Finally, he suggested that the petitioner meet with the Consulting Engineer and Road Commission of Macomb County staff to review the right-of-way areas, by-pass lanes and access areas for 21 Mile and Hayes Roads.

MOTION by AUSILIO seconded by THOEL to table at the petitioners request the Site Plan; Fountains of Macomb to the July 20, 2004 Planning Commission Permanent Parcel No. 08-30-354-022.

MOTION carried.

8. Ground Sign; Fountains of Macomb; Located on the northeast corner of 21 Mile Road and Hayes Road (excluding the immediate corner); Rogvoy Architects, Petitioner. Permanent Parcel No. 08-30-354-022

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Mark Drane

MOTION by AUSILIO seconded by KRZEMINSKI to table at the petitioners request the Ground Sign; Fountains of Macomb to the July 20, 2004 Planning Commission Meeting. Permanent Parcel No. 08-30-354-022.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

9. Site Plan for Temporary Ground Sign; Gateway Village Estates Subdivision; Located on the east side of Hayes Road ¼ mile north of 24 Mile Road; Sal-Mar Farm Limited Partnership, Petitioner. Permanent Parcel No. 08-07-300-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Jim Klinkenberger of Fenn & Associates.

Public Portion: None

MOTION by THOEL seconded by KOEHS to approve Site Plan for Temporary Ground Sign for one year; Gateway Village Estates Subdivision; Permanent Parcel No. 08-07-300-014. This motion is based upon the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the ground sign be limited to 32 square feet.
3. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.
4. The petitioner must be apprised of the fact that only one temporary sign will be allowed per project.
5. This temporary sign is approved for a period of one year at which time the petitioner may request an extension.

MOTION carried.

10. Site Plan for Temporary Sales Trailer; The Rivers Estates Subdivision; Located on the south side of 23 Mile Road ¼ mile east of Card Road; Sal-Mar Farm Limited Partnership, Petitioner. Permanent Parcel No. 08-23-100-011

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval and that signs are not part of this approval.

Petitioner Present: Jim Klinkenberger of Fenn & Associates.

Public Portion: Tina Zoldos, a Township resident, expressed her concerns as to the location of the trailer. The Members of the Board reviewed the location of the trailer.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

MOTION by KRZEMINSKI seconded by AUSILIO to approve the Site Plan; The Rivers Estates Subdivision and forward the Temporary Sales Trailer; The Rivers Estates Subdivision to the Township Board of Trustees for review and approval. Permanent Parcel No. 08-23-100-011. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties.**
- 6. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Water/Sewer Department.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

7. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
8. That all signs be designated on the site plan and meet the Township requirements. *(Please note that signs are not part of this approval)*
9. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
10. That all requirements of the Zoning Ordinance be met.
11. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
12. That the use of the Temporary Sales Trailer and the Temporary Sign shall be limited to one year from the date of this approval, after which time to be eliminated or approval extended by an action of the Planning Commission.
13. At the conclusion of the use of the trailer and sign the site must be restored in accordance with the overall site plan as approved by the Planning Commission.
14. That the petitioner receive approval from the Township Board of Trustees for the Temporary Sales Trailer.

MOTION carried.

11. Special Land Use; The Dancer's Edge; Located on the northwest corner of 21 Mile and Card Roads; Edward Boutrous, Petitioner. Permanent Parcel No. 08-27-476-002

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Edward Boutrous

Public Portion: Wallace Perry, Township resident, addressed his concerns as to the reason for request.

MOTION by AUSILIO seconded by PENZIEN to approve Special Land Use Permit; The Dancer's Edge, a dance studio. Address: 21475 21 Mile Road (Unit 8

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

Card/ 21 Shoppes). Part of Permanent Parcel No. 08-27-476-002. This motion is based upon the Planning Consultants recommendations as follows:

- 1. The proposed Special Land Use, The Dancer's Edge, will be of such location, size and character that it will be harmonious with the appropriate and orderly development of the abutting uses in the center, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**
- 2. The proposed use, The Dancer's Edge, will be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**
- 3. The proposed use, The Dancer's Edge, will be designed to fit in the Card/21 shopping commercial area, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating there from which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.**
- 4. The proposed use, The Dancer's Edge, within the commercial area shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.**
- 5. The proposed use, The Dancer's Edge, shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.**
- 6. The proposed use, The Dancer's Edge, as part of the Card/21 Shoppes is necessary for the public convenience at the proposed location.**
- 7. The proposed use, The Dancer's Edge, is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

8. **The proposed use, The Dancer's Edge, shall not be detrimental or injurious to the commercial area within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.**

MOTION carried.

12. Ground Sign; Credit Union One; Located on the northwest corner of Hall Road and Canterbury Drive; LaVanway Sign Company, Petitioner. Permanent Parcel No. 08-31-400-043

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Lawrence LaYanway

Public Portion: None

MOTION by PENZIEN seconded by THOEL to approve Ground Sign; Credit Union One; Permanent Parcel No. 08-31-400-043. This motion is based upon the Planning Consultants recommendations as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That the surface area of one side of the sign be limited to 65 square feet.**
3. **That a \$500.00 cash bond be posted assuring the installation of the sign as approved.**
4. **That the petitioner understands that the wall signs are to be reviewed by separate application to the Clerk's Office.**

MOTION carried.

13. Rezoning; Commercial Shopping Center (C-3) to Residential Multiple-Medium Density (R-2); Located on the southwest corner of 21 Mile and Card Roads; Thomas Vittiglio, Petitioner. Permanent Parcel No. 08-34-200-014

Clerk KOEHS stated that the petitioner has submitted a request in writing to table the request indefinitely until further notice.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

MOTION by KOEHS seconded by AUSILIO to table indefinitely at the petitioners request the Rezoning Request; Commercial Shopping Center (C-3) to Residential Multiple-Medium Density (R-2); Permanent Parcel No. 08-34-200-014.

MOTION carried.

14. Special Land Use; Cleaners; Located on the southeast corner of 26 Mile and Romeo Plank Roads; Michael Szczotka, Petitioner. Permanent Parcel No. 08-05-100-029

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Michael Szczotka

The Members of the Board held further discussion.

Public Portion: None

MOTION by PENZIEN seconded by AUSILIO to Special Land Use; Cleaners; Located in a multi-use center, Comerica Square. Permanent Parcel No. 08-05-100-029. This motion is based upon the Planning Consultants recommendations as follows:

1. The proposed Special Land Use is a compatible use for the multi-use center in which it is proposed and shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
2. The proposed use fits into the site plan into the multi-use center insofar as vehicular and pedestrian traffic is concerned. It appears to be no more hazardous no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.
3. The proposed use is designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating there from which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

4. The proposed use within the commercial area shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location. The multi-use center involved is located at the intersection of two major traffic ways for this area. The proposed cleaners is well situated for access by the public.
7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

MOTION carried.

15. Site Plan; Flagstar Bank Building; Located on the northwest corner of 23 Mile and Card Roads; Dennis Miller, Petitioner. Permanent Parcel No. 08-15-476-012

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval and that signs are not part of this approval.

Petitioner Present: Dennis Miller addressed his concerns with standard condition number 13 pertaining to MDEQ requirements.

The Members of the Board discussed the by-pass lanes.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Flagstar Bank Building pursuant to the recommendation of the Planning Consultant, with the addition that by-pass lanes and deceleration lanes are shown for both accesses to the property, that the Cross Easement Agreements are presented to the Township Attorney for approval and that this information is added to the plan and on file.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

Permanent Parcel No. 08-15-476-012. The Planning Consultants recommendations are as follows:

It is recommended that the site plan be approved with the standard conditions of the Planning Commission, including:

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts are to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
- 8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

- Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed with two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
 11. That all signs be designated on the site plan and meet the Township requirements.
 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

- 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**
- 19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.**
- 20. That all requirements of the Zoning Ordinance be met.**
- 21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.**
- 23. The signs are not part of this consideration.**

MOTION carried.

- 16. Land Division Variance; Battaglia Subdivision (30 lots); Located on the east side of North Avenue approximately 1,341.22' North of Hall Road; Dominic Battaglia, Petitioner. Permanent Parcel No. 08-36-303-024.**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill Thompson of LehnerFindlan Associates

Larry Dloski, Township Attorney, discussed with the petitioner the issues involving maintaining the landscape easement.

Public Portion: None

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, JULY 6, 2004

MOTION by KOEHS seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Battaglia Subdivision (30 lots); with the added condition that the plan is modified to show access to landscape easement. Permanent Parcel No. 08-36-303-024. This motion is based upon the Planning Consultants recommendations as follows:

It is recommended that the Land Division Act be varied to allow for an 18-foot wide landscape area along the north edge of Lots 18 thru 30 to provide the necessary buffer between the proposed plat and incompatible land uses of the school property to the north.

This recommendation is made with the understanding that the petitioner will provide a landscape plan sealed by a landscape architect that will show a solid planting screen in the 18 foot area.

MOTION carried.

17. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by THOEL to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS:

PLANNING COMMISSION COMMENTS:

ADJOURNMENT:

MOTION by KOEHS seconded by THOEL to adjourn the meeting at 10:10 P.M.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb